

RECEIVED
FEB 23 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
43-13599	Yes ☐	Yes ☐		Yes ☐	Yes ☐
<u>SPLIT # 43-13895</u> → 43-13651	Yes ☒	Yes ☐		Yes ☐	Yes ☐
43-13721	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Hopkins Declo Farms LLC

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Garner Capital Investments LLC

New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

147 South 2550 East

Declo

ID

83323

Mailing address

City

State

ZIP

208-670-5521

Nathan.garner1320@gmail.com

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 2-18-2021

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☒ Filing fee (see instructions for further explanation):
- o \$25 per *undivided* water right.
 - o \$100 per *split* water right.
 - o No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 43-13599

8. Signature: Nathan Garner Member 2/17/2021
- Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable _____ Date _____

Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by SC Date 2/23/21 Receipt No. 5038417 Receipt Amt. 18150.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by JB Date 3-5-2021

(2)

CASSIA COUNTY
RECORDED FOR:
TITLEONE - TWIN FALLS
02:22:05 PM 02-19-2021
2021-001043
NO. PAGES: 4 FEE: \$15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: EV
Electronically Recorded by Simplifile

Recorded at the request of:

Mark D. Perison, P.A.
314 S. 9th Street, Suite 300
P.O. Box 6575
Boise, ID 83707

21398128

Space Above Reserved For Recorder's Use

WARRANTY DEED

FOR VALUE RECEIVED, Hopkins-Declo Farms, LLC, an Idaho limited liability company, Grantor, does hereby GRANT, BARGAIN, SELL and CONVEY, unto Garner Capital Investments, LLC, an Idaho limited liability company, Grantee, whose current address is 147 S. 2550 East, Declo, ID 83323, the following described real property in Cassia County, State of Idaho, more particularly described as follows, to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owners in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject; and subject to reservations, restrictions, dedications, easements, rights of way and agreements, if any, of record, and general taxes and assessments, including irrigation and utility assessments, if any, for the current year, which are not yet due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

ALSO SAVE AND EXCEPT the effect on Parcel 2, described in Exhibit "A" hereto, as to title, use, reservations and/or any other title defect or encumbrance as the result of the recording of that certain United States Patent recorded on December 20, 1966, as Instrument No. 32883, records of Cassia County, Idaho.

Dated this 18th day of February, 2021.

HOPKINS-DECLO FARMS, LLC
an Idaho limited liability company,
By and Through its sole member, Hopkins
Financial Services, Inc., an Idaho corporation



Randall H. Hopkins, President of Hopkins
Financial Services, Inc.

STATE OF IDAHO)
 : ss.
County of Ada)

On this 18 day of FEBRUARY 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Randall H. Hopkins, as President of Hopkins Financial Services, Inc., the sole member of Hopkins-Declo Farms, LLC, known to me to be the person who executed the within and foregoing instrument, and acknowledged to me that he executed the same on behalf of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.





Notary Public for Idaho
Residing at: MERIDIAN, ID
Commission Expires: 04/14/2026

Parcel No. 2

Part of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 24 in Township 12 South, Range 26 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Southwest Corner of Section 24 in T.12 S., R.26 E., B.M. said corner marked by a U.S. GLO iron pipe with brass cap on top; Thence North 89 degrees 39 minutes 23 seconds East along the south line of Section 24 for a distance of 1266.06 feet to the centerline of State Highway 81 which shall be the Point of Beginning;

THENCE North 00 degrees 20 minutes 24 seconds West along said centerline for a distance of 1321.94 feet to the north line of the S $\frac{1}{2}$ SW $\frac{1}{4}$;

THENCE North 89 degrees 45 minutes 32 seconds East along said 1/16 section line for a distance of 200.00 feet to a $\frac{1}{2}$ " rebar on the easterly right of way of State Highway 81;

THENCE South 00 degrees 20 minutes 24 seconds East along said right of way for a distance of 1321.58 feet to a $\frac{1}{2}$ " rebar on the south line of Section 24;

THENCE South 89 degrees 39 minutes 23 seconds West along said section line for a distance of 200.00 feet to the Point Of Beginning.

Said property contains 6.07 acres more or less and is subject to any easements or right of ways, existing or of record.

Exhibit 'A'
Legal Description for Parcels 1 & 2

Parcel No. 1

Part of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 24 in Township 12 South, Range 26 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Southwest Corner of Section 24 in T.12 S., R.26 E., B.M. said corner marked by a U.S. GLO iron pipe with brass cap on top; Thence North 89 degrees 39 minutes 23 seconds East along the south line of Section 24 for a distance of 1466.06 feet to a $\frac{1}{2}$ " rebar on the easterly right of way of State Highway 81 which shall be the Point of Beginning;

THENCE North 00 degrees 20 minutes 24 seconds West along said right of way for a distance of 1321.58 feet to a $\frac{1}{2}$ " rebar on the north line of the S $\frac{1}{2}$ SW $\frac{1}{4}$;

THENCE North 89 degrees 45 minutes 32 seconds East along said 1/16 section line for a distance of 1176.14 feet to a $\frac{3}{8}$ " rebar at the Northeast Corner of the S $\frac{1}{2}$ SW $\frac{1}{4}$;

THENCE South 00 degrees 13 minutes 50 seconds East along the east line of the SW $\frac{1}{4}$ for a distance of 1319.48 feet to a $\frac{3}{8}$ " rebar with a 3" aluminum cap at the South $\frac{1}{4}$ Corner;

THENCE South 89 degrees 39 minutes 23 seconds West along the south line of Section 24 for a distance of 1173.62 feet to the Point Of Beginning.

Said property contains 35.62 acres more or less and is subject to any easements or right of ways, existing or of record.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

March 05, 2021

GARNER CAPITAL INVESTMENTS LLC
147 S 2550 E
DECLO ID 83323-6016

Re: Change in Water Right Ownership: 43-13651 (Split into 43-13651 and **43-13895**); 43-13599 and 43-13721 (non-splits)

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 293-9909.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: Hopkins Declo Farms, LLC; WD-143; TitleOne, Burley- File #21398128



TitleOne

a title & escrow co.

Date: February 19, 2021

Idaho Department of Water Resources
650 Addison Ave. W. Ste 500
Twin Falls, ID 83301

Escrow No. 21398128

Greetings,

Enclosed please find the following:

- TitleOne Check No. 33294 in the amount of \$150.00 for Split/Transfer of IDWR Water Rights
- Original executed Notice of Change of Water Right Ownership
- Copy of original Warranty Deed recorded on 2/19/2021 as Instrument No. 2021-001043

Please make the necessary changes to your records to indicate new owner. Please send a receipted copy to TitleOne, P.O. Box 177, Burley, ID 83318.

Please feel free to contact us at the number above should you have any questions.

Best regards,
TITLEONE


Ashley Martinkus
Ag Escrow Assistant

AR/am
Enc.
Fedex

211 West 13th Street
Burley, ID 83318
Ph. (208) 881-0087
Fx. (866) 582-7546
www.titleonecorp.com

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